



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,483	08/14/2001	Wataru Sasaki	32739M054	7895

7590 09/13/2005

Smith, Gambrell & Russell, LLP
Beveridge, DeGrandi,
Weilacher & Yong Intellectual Property Group
1850 M Street, N.W., Suite 800
Washington, DC 20036

EXAMINER

LEE, TOMMY D

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928,483

Applicant(s)

SASAKI ET AL.

Examiner

Thomas D. Lee

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-14, 17-21 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6, 13, 14, 20, 21, 27 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-12, 17-19 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to applicant's amendment filed June 20, 2005. Claims 1-6, 10-14, 17-21 and 24-28 are pending.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-3, 10-12, 17-19 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,778,276 (Hasegawa) in view of U.S. Patent 6,859,287 (Frederiksen et al.).

Regarding claims 1-3, Hasegawa discloses a scanner system comprising an image scanner for scanning an image of an original (image reading unit 3 (column 5, lines 12-18)) and a control device for controlling the image scanner (system control unit 2 including CPU (column 5, lines 8-11)), wherein the control device includes: first setting means for accepting input of a scanning starting location and a scanning ending location for setting a reading area (CPU determines size of original document by receiving signals from detect sensors 81, 82, 83 (column 9, line 63 – column 10, line 23)); second setting means accepting input for setting a direction of the original (detect sensors output signals, enabling the CPU to determine size and direction of original document (column 10, lines 28-42; Fig. 9)); and scanning instruction means for designating a reading area of the original based on the inputs of the reading size and the direction of the image of the original that have been accepted by the first and

Art Unit: 2624

second setting means and outputting a scan execution instruction to the image scanner (system control unit controls limits of an effective area for preliminary scanning motion based on size and direction of the original document as detected by the detect sensors (column 18, line 53 – column 19, line 3)). The scanning instruction means designates the reading area such that an end part of an area readable by the image scanner coincides with an end part of the reading area (image reading unit receives instruction from system control unit to move a mirror unit mounted on the image reading unit, for a distance corresponding to the longitudinal limit of the detected size (column 18, line 62 – column 19, line 3)).

Hasegawa does not appear to disclose operator manual input by said first and second setting means; or a third setting means for accepting input of a scanning starting location and a scanning ending location for setting a reading area, wherein the scanning instruction means designates an area that has been set by the third setting means as the reading area. Operator manual input is disclosed in Frederiksen et al. According to Frederiksen et al., reading size of the original (document size) as well as direction of the image of the original (page orientation) may be detected automatically, or may be set manually by means of an original settings button (Abstract; column 4, lines 1-10). The original settings button, when combined with the teaching of Hasegawa, would provide first and second setting means for manually setting a size (start and end scanning locations inherently determined according to the document size) of a document to be scanned, along with the setting means for automatically determining a size and direction of a document in Hasegawa. Manual selection of a document size and orientation

Art Unit: 2624

allows a user to override automatic size detection by detecting sensors, in case copying of irregularly shaped documents is required (column 3, lines 9-19), thus enhancing the versatility of the scanner system. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Hasegawa by providing for manual selection of document size, as disclosed in Frederiksen et al.

Claims 10-12, 17-19, and 24-26 are similar in scope to above-rejected claims 1-3, except that claim 10 recites a scanner driver installed in a computer connectable to an image scanner, claim 17 further recites a recording medium readable by the computer, and claim 24 recites a signal transmittable via a communication line being modulated by data corresponding to the scanner driver installed in the computer. These limitations read on the system control unit of Hasegawa. The system control unit, which includes a CPU, RAM and ROM (column 5, lines 8-11), communicates signals with image reading unit 3, image processing unit 4 and mechanical drive unit 11 (Fig. 1A) for performing size and direction of an original document according to a program stored in ROM (column 5, lines 23-28).

Allowable Subject Matter

4. Claims 4-6, 13, 14, 20, 21, 27 and 28 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to disclose or suggest applicant's means for setting a scanning execution standby mode and transmission means, included in scanning instruction means for designating a reading area of the original based on the inputs of

Art Unit: 2624

the reading size and the direction of the original that has been accepted by first and second setting means, as recited in base claims 4, 13, 20 and 27.

Response to Arguments

6. Applicant's arguments filed in response to the prior rejection of the above claims under 35 U.S.C. 102(b) or 103(a) have been fully considered but they are not persuasive.

On page 13 of applicant's amendment, applicant asserts that Hasegawa teaches detection of an original document's size automatically, and thus does not teach or suggest a system control device that accepts manual input from an operator. However, this limitation is disclosed in Frederiksen et al., as mentioned in the rejection of claim 3 as set forth in the prior Office action, and reiterated above with respect to amended claim 1.

Applicant further states on page 14 of the present amendment that nothing in the combined teachings of Hasegawa and Frederiksen et al. would have motivated those of ordinary skill to have employed operator manual input for setting reading size and direction of an image of an original. Contrary to applicant's assertion, Frederiksen states that manual selection of a document size and orientation allows a user to override automatic size detection by detecting sensors, in case copying of irregularly shaped documents is required (column 3, lines 9-19). As would be obvious to one of ordinary skill in the art, this feature enhancing the versatility of the scanner system.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas D. Lee
Primary Examiner
Art Unit 2624

tdl
September 7, 2005